

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Berry et al.

**Serial No.:** 09/497,422

**Filed:** February 3, 2000

**For:** STABLE NON-AQUEOUS SINGLE  
PHASE VISCOUS VEHICLES AND  
FORMULATIONS UTILIZING SUCH  
VEHICLES

**Confirmation No.:** 7482

**Examiner:** B. Fubara

**Group Art Unit:** 1615

**Attorney Docket No.:** ARC 2914 US R1  
(3139-6169US)

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV326922637US

Date of Deposit with USPS: November 14, 2003

Person making Deposit: Christopher Haughton

**RECEIVED**

**JAN 12 2004**

**OFFICE OF PETITIONS**

**STATEMENT ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER CFR § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance and Fee(s) Due was mailed on October 2, 2002, with a deadline for payment of the issue fee of January 2, 2003. Applicants submitted the issue fee on December 12, 2002, a copy of which is attached hereto for reference. A Notice of Abandonment was mailed on February 13, 2003 indicating abandonment due to failure to pay the issue fee. Applicants filed a Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181 on April 18, 2003. No response to the Petition to Withdraw was received by Applicants. Instead, a

second Notice of Abandonment was mailed on July 17, 2003, again indicating failure to pay the issue fee. Although no specific explanation for the Notice of Abandonment and refusal to accept the issue fee was ever given, Applicants suspect that the refusal was based on the fact that the box authorizing the Commissioner to charge the required fees to Deposit Account Number 01-1173 was inadvertently not checked off, although the deposit account number was filled in manually. The entire delay was unintentional.

Respectfully submitted,



Edgar R. Cataxinos  
Registration No. 39,931  
Attorney for Applicants  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: November 14, 2003  
ERC/dlm:dn

Document in ProLaw





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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,422	02/03/2000	Stephen A. Berry	ARC2914RT	7482

22921 7590 07/17/2003

ALZA CORPORATION  
P O BOX 7210  
INTELLECTUAL PROPERTY DEPARTMENT  
MOUNTAIN VIEW, CA 940397210

EXAMINER

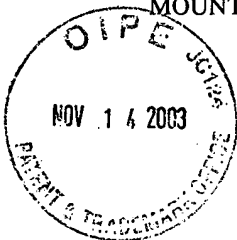
FUBARA, BLESSING M

ART UNIT PAPER NUMBER

1615

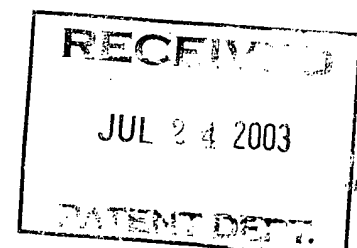
P#25

DATE MAILED: 07/17/2003



Please find below and/or attached an Office communication concerning this application or proceeding.

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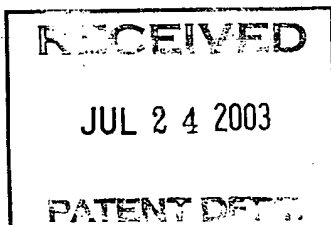




UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/497,422



EXAMINER
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ART UNIT	PAPER NUMBER
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DE 28

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.

☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☒ The issue fee has not been received.

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below:

ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380